

TITLE: DNA FELONY POLICY

1. **Policy.** The Department of Correction shall ensure the collection of DNA biological samples from inmates convicted of a felony prior to the release to community.
2. **Authority and Reference.**

A. Conn. General Statute 54-102g

B. Administrative Directive 9.3 – Admissions, Transfers and Discharges.

3. **Definitions.** For the purposes stated herein, the following definitions apply:

Felony Conviction. A judgement entered by a court upon a plea of guilty, a plea of nolo contendere or a finding of guilty by a jury or the court in accordance with all identified felonies recognized in the Connecticut General Statutes.

Facility Contact Person. The designated supervisor at the facility to coordinate matters related to requirements under C.G.S. 54-102g.

Release to the Community. The release of an inmate from the Department of Correction to a community release program, parole, re-entry furlough or end of sentence.

RT50 screen for DNA Sample update:

- **DNA eligible Y, N, P or R.** If the inmate meets the criteria for a DNA sample, then the answer would be “Y” for yes. If the inmate does not meet the criteria for a DNA sample, then the answer would be “N” for no. If the inmate refuses, then the answer would be "R" for refusal. If the inmate did not receive sentencing time but was sanctioned and drawn on probation, the answer would be “P”.
- Swab means biological sample. Date means the actual date the sample was collected by Health Services. This date is on the bottom copy of the DNA Submission Form and noted on the RT50.

4. **Identification of Offenders for DNA Sample.**

Criteria. An inmate who has been convicted of a felony and is currently sentenced on that conviction.

Inmates who meet criteria for both Felony collection and Sex Offender DNA registration draw requirements will have a sample taken. If the conviction involves a felony, a “Y” will be placed under felony DNA on the RT 50.

When considering offenses to determine Felony DNA eligibility, all convictions during the current incarceration , both concurrent and consecutive and regardless of the date of offense/conviction are to be included in the review. Any felony conviction during the

TITLE: DNA FELONY POLICY

incarceration conviction regardless of whether it is the controlling or non controlling sentence requires the individual to have a DNA draw.

Current Convictions of 53a-32(Violation of Probation) will be considered a felony and subject to DNA collection if the underlying charge is a felony.

Current convictions of Youthful Offender Statutes (54-76b or 54-76d) as either stand alone convictions or attached to felony statutes will not be subject to DNA collection until specifically directed by the court.

Current convictions for Statute 18-63 (Failure to Pay a Fine) will be subject to DNA collection if the underlying offense is a felony.

Inmates on pretrial status for Violation of Probation (53a-32) shall be subject to Felony DNA Collection if the underlying offense is a felony.

Cuscom and Parcom inmates, those inmates from other jurisdictions who are serving time in Connecticut for an out of state sentence and have no current or consecutive Connecticut convictions are not subject to Felony DNA Collection procedures.

Inmates sentenced to CGS 53a-40 as Persistent Larceny Offenders do not meet criteria for Felony DNA Collection. Although the sentence parameters fall within those of a class D felony, the larceny conviction itself remains a misdemeanor.

5. **Unit Responsibility.** The record specialist shall review the judgement mitt upon sentencing or prior to release to determine whether the inmate meets the criteria for a DNA biological sample. If the inmate does not meet the criteria for a DNA biological sample, the record specialist shall ensure the RT50 screen is updated with an "N". All inmates being reviewed for the 45 day end of sentence discharge planning as well as those inmates being considered for discretionary releases all of whom meet DNA felony requirements shall be required to submit to a DNA draw. Discretionary releases include Half Way House, Furlough, T.S. and inmates within 2 years of their voted to Parole date. Correctional Counselors will be responsible for initiating the Felony DNA protocol prior to the inmates release from custody.
6. **Identification.** Identification shall be determined by reviewing the RT50 screen for past DNA biological samples, file 19's, the discharge section of the master file for prior DNA biological samples and current judgement mitts. A DNA biological sample is only required one time. Once identified, the facility contact person shall ensure the following:

TITLE: DNA FELONY POLICY

1. The RT50 screen is updated with a "Y".
2. Communication between the Records Specialist and the Counselor will occur where the Counselor will have the inmate sign the DNA Notification Form and provide the signed form to the Records Specialist. The record specialist shall complete the DNA Submission Form Section I. The white copy shall be placed in section four of the master file underneath the Victim Notification Card. When using a two-part (jail file) file, place the copy on top of section one. The inmate shall not transfer until the blue copy DNA Submission Form is returned.
3. The record specialist shall maintain a logbook for DNA Submission Forms for tracking. (see sample attached)
4. The blue copy DNA Submission Form shall be delivered to the facility Health Services Unit.
5. The facility Health Services Unit shall complete Section II of the DNA Submission Form. The Health Services Unit shall follow existing procedures pertaining to the DNA Felony Collection.
 - a. The facility Health Services Unit shall ensure the completed DNA Submission Form is delivered back to the record specialist.
 - b. The record specialist shall update the RT50 screen to reflect date of DNA biological sample.
 - c. The record specialist shall remove and destroy the white copy and place the blue copy DNA Submission Form in section four of the master file.
 - d. In the event the inmate refuses to cooperate with the DNA collection, the facility Health Services Unit shall fill out the DNA Refusal Form and notify the facility contact person. The facility contact person shall notify the record specialist who will update the RT50 with a "R" and place the refusal form in section four of the master file.
7. **Release from Court Procedures.** In the event an inmate posts an appeal bond, receives time served, or is released by any other court order, it is the court's responsibility to notify the inmate of DNA collection procedures and a location to report.

TITLE: DNA FELONY POLICY

8. **Changes in Conviction.** In the event there is a change in an inmate's conviction where as the inmate no longer meets the DNA collection criteria, the record specialist shall notify the facility contact person. The facility contact person will in turn notify the Department of Corrections Central Office Health Services contact person via the Purge Form for a possible DNA biological sample purge.

9. **Inmate Refusal for DNA Sample.** The facility Health Services Unit shall forward the refusal form to the facility contact person who will meet and advise the inmate of the ramifications for refusal. The inmate may be excluded from any discretionary release program including parole, community release or furlough. Additionally, the facility contact person must complete the DNA Refusal form with the inmate. This form advises the inmate that he/she is in violation of C.G.S. 54-102g as amended by Public Act 04-188 and will be subject to arrest for a class "A" misdemeanor. The form must be faxed to OCPM-Assessment Unit and the original must be maintained in the master file. The facility contact person shall notify the record specialist who shall update the RT50 with a "R". In the event the inmate chooses to cooperate with the DNA collection process follow the procedures in section six.

10. **Readmission.** Upon readmission, the record specialist shall review the discharge section of the master file and the RT50 for previous DNA biological samples (DNA is only required to be collected once). The DNA Submission Form shall remain in section four of the master file. If the inmate refused, the refusal form shall remain in section four of the master file.